

S/049/0081

cc: Lynn

Tom

Incoming

From: "MaryLou Wakamatsu" <mwakamatsu@hadcoconstruction.com>
To: <paulbaker@utah.gov>
Date: 10/27/2010 2:27 PM
Subject: Letter of Consideration for Cessation Order MC-2010-17-09 issued to TM Crushing, LLC. Talon's Cove Pit

CC: "John D. Hadfield" <jdhadfield@hadcoconstruction.com>, "Scott Roberts" <...
Mr. Paul Baker,

I am writing in regards to the Cessation Order MC-2010-17-09 issued to Talon's Cove Pit operated by TM Crushing, LLC. On October 20, 2010, TM Crushing was cited for:

1. Conducting mining operations without first receiving permit/approval or posting a Reclamation Surety Bond.
2. Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

This Cessation required TM Crushing to cease all mining related activities and removal of previously mined materials. TM Crushing immediately requested a Stop Work Conference that was held on October 21, 2010. In this hearing, TM Crushing requested the following:

1. Plead guilty to the violation. Not knowing they didn't have all the permits needed for mining hard rock material.
2. Petitioned to operate while gathering requested permit, N.O.I., map, Surety Bond and signed Reclamation Contract.
3. Submit requested items by the following Monday, October 25, 2010 by 6:00 pm MDT.

Immediately following this meeting, TM Crushing gathered the requested items to be submitted to DOGM to be submitted first thing Monday morning. TM Crushing understands there will be a fine assessed for the violation and request the following to be taken into consideration before accessing the fine:

1. Our willingness to be in compliance with the State of Utah DOGM.
2. Acting quickly to submit requested items to DOGM.

3. TM Crushing had obtained a permit with Eagle Mountain City and Utah County and was unaware we needed to obtain a permit through the State of Utah.

4. TM Crushing was only mining alluvial material and started mining hard rock material within the past 6 months.

5. TM Crushing was unaware of how DOGM distinguishes between a mine and a sand and gravel operation.

We express our appreciation for taking these facts into consideration and letting us operate the Talon's Cove Pit while bringing this pit into compliance with the state.

Best regards,

MaryLou Wakamatsu

TM Crushing, LLC.

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